



Fact Sheet

Air Program Regulatory Amendment Fee Revision for Operating Permit Application and Maintenance Fees Class II Minor Sources

Introduction

The NDEP Air Program is proposing a regulatory change to amend its fee schedule.

The change seeks to update the Program's approach to how fees are assessed, and to redistribute the fees across the regulated industry to implement the NDEP's Air Program.

This fact sheet describes changes in fee schedule for facilities that hold a Class II Air Quality Operating Permit with the exclusion of Surface Area Disturbance (SAD) and General Permits. For a general description of all the changes in fee schedule, for a detailed description of the fee changes for SAD and General Permits, or for a detailed description of the fee changes proposed for major and major stationary sources (Class I Operating Permits), please refer to the corresponding fact sheets.

If approved by the State Environmental Commission and Legislative Commission, the new fee schedule would be effective on January 1, 2020.

Overview of Changes

For Class II minor sources, the Air Program is proposing to:

- Update all maintenance and application fees to closer reflect the costs associated with the maintenance of the permit.
- Assess application fees in proportion to the number of emission units associated with the permit application.
- Assess annual maintenance fees in proportion to the allowable emissions, the number of emission units in the permit, and the size of any disturbed area.
- For most applications, include a 10% non-refundable fee to cover the costs associated with the completeness review process.
- Under certain circumstances, allow for an 'Administrative Renewal' application that takes advantage of previously submitted environmental evaluations and will result in faster processing and lower costs¹.
- Annual maintenance fees for Class II minor sources greater than \$15,000 will be phased-in in a three year period (i.e., 33% in year one, 66% in year two, and 100% starting from year three).
- Include new fees for certain determinations and requests.

Proposed Fee Schedule

New and Miscellaneous Fees

Application (New)	Fee
Insignificant Activity Determination	\$1,000
Confidentiality Request	\$1,000
Applicability Determination	\$1,000

Application	Fee
Change of Location (per Emission Unit)	\$200 (currently \$100)
Administrative Amendment	\$1,000 (currently \$200)

¹ Please refer to the proposed regulatory language for a comprehensive description of all the requirements of an Administrative Renewal.

Application Fees for Class II Minor Sources

Total Number of Emission Units and Insignificant Activities	New OP ² (currently \$3,000)	Revision of OP (currently \$2,000)	Renewal of OP (currently \$2,000)	Administrative Renewal of OP
≤ 10	\$5,000	\$2,500	\$2,500	\$2,000
11-20	\$10,000	\$5,000	\$5,000	
21-50	\$15,000	\$7,500	\$7,500	
51-100	\$20,000	\$10,000	\$10,000	
> 100	\$30,000	\$15,000	\$15,000	

Annual Maintenance Fees

The annual maintenance fee for a Class II Minor Source (with the exclusion of SAD and General Permits) is assessed by adding individual fees based on three components:

A) Total annual allowable emissions (Potential to Emit, PTE) of hazardous air pollutants (HAPs); or if not applicable, total annual allowable emission of any regulated pollutant, with the exception of carbon monoxide and carbon dioxide.

PTE ³ (tons)	< 25	≥ 25 and < 50	≥ 50 and < 80	≥ 80 and < 100		
PTE HAPs (tons)					Single HAP ≥ 8 and < 10	Combined HAPs ≥ 20 and < 25
Fee	\$1,000	\$2,000	\$6,000	\$10,000	\$10,000	\$10,000

B) Total number of Emission Units (not including Insignificant Activities)

Emission Units	< 10	11-20	21-50	51-100	>100
Fee	\$500	\$1,000	\$2,000	\$5,000	\$10,000

C) If the Class II Operating Permit contains provisions for Surface Area Disturbance, the total disturbed acreage

Acres	≥ 5 and < 20	≥ 20 and < 100	≥ 100 and < 500	>500
Fee	\$1,000	\$2,000	\$3,000	\$5,000

Example: A minor source has a Class II Air Quality Operating Permit with a PTE of 82 tons per year for NO₂ (e.g., the highest PTE across regulated pollutants), 52 emission units, and a SAD of 21 acres. The total annual maintenance for the source is assessed at \$10,000 + \$5,000 + \$2,000 = \$17,000. Because the annual maintenance fee is greater than \$15,000, there is a 3 year phase in period. The source will pay \$5,610 the first year, \$11,220 the second year, and \$15,000 starting from the third year.

Other changes

- Eliminate fee for replacement of an operating permit

² Operating Permit

³ Including PTE from Insignificant Activities (as per NAC 445B.138)